

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-31 (JNE/TNL)

Plaintiff,

v.

ORDER

Joe Lee Brown, Jr. (1), and
Rosco Demar Lewis (3),

Defendants.

This matter comes before the Court on the Government's Motion for Continuance of Motions Hearing, ECF No. 61. The Government requests that the June 29, 2023 motions hearing be continued because "an essential witness, Deputy Sheriff Ivan Orozco (Sacramento County Sheriff's Office), is not available to testify" on that date. *Id.* Additionally, the Government notes that the case agent, Investigator Ryan Taggart, is just now returning to work after being on extended military duty. *Id.* In email correspondence with the Court, through counsel, Defendants Joe Lee Brown, Jr. and Rosco Demar Lewis stated they have no objection to the Government's request for a continuance of the motions hearing. In further email correspondence with the Court, the parties, as well as Deputy Sheriff Orozco and Investigator Taggart, stated they were available for a motions hearing on July 18, 2023.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial, and such continuance is necessary to allow the witnesses to be present for the motions

hearing and to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Government's Motion for Continuance of Motions Hearing, ECF No. 61, is **GRANTED**.
2. The period of time from **the date of this Order through July 18, 2023**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).
3. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:
 - a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
4. If required, the motions hearing, shall take place before the undersigned on **July 18, 2023, at 1:30 p.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

5. **TRIAL:** The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Joan N. Ericksen to confirm the new trial date.

Dated: June 27, 2023

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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